

COURT HOUSE

JURY OUT.

The case of David C. Miller against W. L. Bender, which was heard in Judge Ambler's court Monday and Tuesday, went to the jury at 3 o'clock yesterday afternoon, but up to 5:30 o'clock last evening had failed to bring in a verdict. Judge Ambler instructed the jurors that if they reached an agreement before 10 o'clock last night the foreman should seal the verdict and present it this morning. The suit is for \$300 on a contract. The plaintiff is represented by Attorneys Sponseller and Sponseller and the defendant by Attorneys Sterling and Braucher.

SUES FOR DAMAGES.

The case of the Trump Abstract company vs. John C. Bothwell will be handed to the jury sometime this morning. The suit is brought by the plaintiff against the defendant for \$1000 damages for using an abstract which is copyrighted. Attorneys Clark and Clark are the counsel for the plaintiff company and Attorneys Maneval, Floyd and Yutzey for the defendant.

ASKS FOR \$15,165.

John W. Yant has commenced suit in common pleas court against the Stark Electric Railway company for damages in the sum of \$15,165. The plaintiff avers that on August 8, 1908, he was driving a horse attached to a draft wagon in an easterly direction on Pennsylvania avenue and in attempting to cross the track was struck by a car of the defendant company, throwing him violently to the ground and severely injuring him. He further avers that the motorman did not blow his whistle or ring the gong within 50 feet of the crossing so as to give warning of the approaching car. It is declared that the plaintiff sustained a severe injury to his spine, right arm and shoulder and his right leg numb from the knee to his waist. The plaintiff asks judgment in the above named amount with other relief as is proper.

SUES ON REAL ESTATE DEAL.

Benjamin Harper has brought suit in common pleas court to recover \$350 on a real estate deal from the defendants, John A. Jones and Ella Jones. The plaintiff says that negotiations were made between himself and the defendants to purchase a piece of real estate in Lawrence township for the sum of \$700 one-half to be paid down at time of sale and the balance within a certain period. The plaintiff paid the sum of \$5 as a forfeit and later the \$345 for the first payment. The defendants refused to accept the terms of the payment.

BOYS SENTENCED.

Henry Pach and Frank Fort, accomplices of Andrew Fort, in the alleged crime of breaking into Baltimore & Ohio freight cars and stealing articles of value, were sentenced yesterday by Probate Judge Bow to the Boys' Industrial school, at Lancaster, for an indefinite period. The two young car looters will be taken to the industrial school some time this week.

SHERIFF'S SALE.

The Sweltzer farm, two miles east of Canal Fulton, will be sold at public sale by Sheriff Wilson, next Saturday afternoon at 1 o'clock sharp. The farm has been appraised at \$800 and contains 131.33 acres. The terms are one-third cash, one-third in one year and the remainder in two years with interest and notes secured by mortgage upon the premises.

SURPLUS IN FEE FUND.

County Recorder King, Probate Judge Bow and ex-County Treasurer Knobloch have issued statements of expenditures and revenues during the year ending September, 1908, which show that each of the three officers were self-sustaining under the new law which abolished the fee system a year or two ago.

Ex-Treasurer Knobloch's statement shows his office earned \$2149.27 during the year just closed. The itemized statement follows: Salary of treasurer, \$4894.04; salaries of assistants, deputies and clerks, \$3554.11; total expenditures, \$8449.15. Fees earned, \$10,598.42. Excluding the estimated fees earned and not collected, which amounted to \$2200, Probate Judge Bow's report shows that his office cleared \$336.85. The itemized statement follows: Salary of probate judge, \$4894.04; salaries of assistants, deputies and clerks, \$2730; total expenditures, \$7624.04. Fees obtained from the county, \$1265.83; fees earned and collected, \$6095.06; total receipts, \$7960.89. Recorder King's statement follows: Salary of recorder, \$3170; salaries of assistants, deputies and clerks, \$2378.55; total expenditures, \$5548.55. Fees earned, \$7435.05, constituting the total receipts.

NEW CASES.

19367—Benjamin Harper vs. John A. Jones et al. D. F. Reinhold, attorney.

19368—John W. Yant vs. the Stark Electric Railway company. Als & Day, attorneys.

ANSWERS.

19317—Philo C. Smith vs. Jacob E. Frailey. J. B. Snyder, attorney.

MARRIAGE LICENSES.

John F. King, 24, millwright, to Bessie C. Baker, 21, Uniontown.

Max L. Engler, 21, railroad fireman, to Mary M. Krell, 21, Massillon.

PROBATE COURT CALENDAR.

In estate of Ira E. Boughman, final account filed.

In guardianship of Margaret Ertle, final account filed.

In will of Mary Leggett, Canton, probated.

In estate of Lewis G. Walters, inventory and appraisement filed.

In guardianship of Lela M. Whitacre, final account filed.

In guardianship of Charles E. Allhouse, fifth account filed.

In estate of Mary Leggett, John A. Leggett and George W. Leggett appointed administrators with will annexed.

REAL ESTATE TRANSFERS.

Annie Pearl Durand and George W. Durand to Andrew Johnson, lot 14281, and part lot 14282, Canton, \$1525.

John C. Miller and Beatrice Miller to William H. Slangenbaupt lot 6049, Canton, \$5050.

John Schultz and Helen Schultz to Edward Greminger, as trustee of Helen Schultz, lots 1798, 1796 and 1794, Canton, \$1.

William E. Vance and Alta J. Vance to F. M. Bailey part lot 422, Alliance, \$2000.

REAL ESTATE MORTGAGES.

E. W. Ruby to R. Frank Wilson, lot 9297, Canton, \$200.

Giuseppe Moccia and Mary Moccia to Louisa Hawkins, lot 1288, Canton, \$800.

Andrew Johnson and Anna Johnson to Corl Johnson lot 14281, Canton, \$1500.

William H. Slangenbaupt to Isaac Harter & Sons, lot 6049, Canton, \$3650.

Louis Beichler and Elizabeth Beichler to Catherine Meyers, lot 11867, Canton, \$250.

Joseph B. Wieland to Leola Kanfman, part of northwest quarter section 14, Canton township, \$250.

VERDICT FOR \$52.90.

Robert M. Castrol was awarded a verdict in Judge Harter's court yesterday afternoon by a jury, which had been out fifteen minutes, for the sum of \$52.90 against Warren C. Richardson, due plaintiff upon a contract. Attorney Smith represented the plaintiff and Attorney Bordner the defendant.

VERDICT FOR PLAINTIFF.

In the case of David C. Miller vs. W. L. Bender and Ella Bender, which has been on trial in Judge Ambler's court for two days, the jury brought in a verdict yesterday morning for the plaintiff in the sum of \$92.23. The suit was to recover \$300 on a contract. Attorneys Sponseller and Sponseller represented the plaintiff and Attorneys Sterling and Braucher, the defendants.

VERDICT OF ONE CENT.

A verdict of one penny was awarded the Trump Abstract company by the jury yesterday morning in the suit brought by the plaintiff against Justice of the Peace John Bothwell who was charged with illegally substituting one of the plaintiff's abstracts in an official document. Although the verdict is the smallest returned in common pleas court in Stark county for many years, the plaintiff company was well satisfied that the issue had been found in its favor which prevents any further infringement upon the rights of its abstracts. The plaintiff was represented by Attorneys Clark and Clark.

DAMAGE CASE ON TRIAL.

The \$25,900 damage suit brought by Jacob E. Heinbuch against the Massillon Coal Mining Co. for serious injuries received in a fall down a shaft at one of the mines of the defendant company, was begun in court room No. 2 before Judge Ambler and a jury. The plaintiff is represented by Attorneys Shields and Pomeroy, while Attorneys Welty and Albaugh are the counsel for the defendant company.

ACCOUNTANTS SUE.

Ernst and Ernst, of Cleveland, have brought suit in common pleas court against the Stark Electric Railway company for judgment in the sum of \$308.85 for work and services rendered and for expenses incurred during the period from February 20 to March 16, 1908, as auditors and accountants for auditing the books and personnel records of the defendant company.

TRUSTEES MAY SELL.

The trustees of the First United Evangelical church by the order of the court of common pleas have been instructed to sell church realty for \$2100, the money to be used in payment of the properly adjoining the church on the east, which is to be purchased and used as a parsonage.

OFFICE REPORTS.

The statements of County Clerk of Courts J. J. Wise, Auditor Oberlin and the commissioners concerning the expenditures and revenues for the year ending September 30, 1908, have been filed. The only outstanding statement is the one to come from the sheriff's office.

The fees earned and not collected including the estimated \$3200 by the clerk of courts shows that office to be self-sustaining by nearly \$200. Clerk Wise's report is as follows: Salary of clerk, \$4295; salaries of deputies and assistants, \$2790; total expenditures, \$7085; money derived from the county, \$595.36; money derived from other legal sources, \$3411.50; fees earned but not collected, \$3200; total revenue, \$7205.80.

According to the figures reported by Deputy Auditor Ralph Oberlin, the auditor's office in the past year ending in September has earned \$2102.15. The following is the report of the auditor: Salary of auditor, \$4895; salaries of deputies and assistants, \$3929.04; total expenditures, \$7824.04; money derived from the county, \$3947.55; money derived from other legal resources, \$458.64; total revenue, \$9336.19.

The individual reports from each of the county commissioners show that they received a salary of \$2195 for the year. Of this amount each commissioner secured \$48 by supervision of work on ditches.

NEW CASES.

19369—City of Canton vs. The East Ohio Gas company. Attorneys J. T. Blake and Pomeroy counsel for plaintiff, and Attorneys Welty and Albaugh represent the defendant.

19370—Ernst and Ernst vs. the Stark Electric Railway company. Lynch and Day, attorneys.

MARRIAGE LICENSES.

William A. Sieber, 24, engraver, to Emma Lowe, 18, Canton.

PROBATE COURT CALENDAR.

In estate of Edward Rhein, final account filed.

In guardianship of Richard P. Christian, Richard A. Christian appointed guardian.

In estate of Abraham M. Orrell, sale of real estate confirmed.

REAL ESTATE TRANSFERS.

Henry Louis Naef to Henry Emil Naef, lot 7 in Louisa Miller's addition to Canton, \$160.

Emilie B. and Jacob H. Winner to Meyrich E. Evans, lots 504 and 505 in John Rank's addition to Canton, \$1.

Anna L. Maus to Caroline Thiebout, lot 1884, Alliance, \$2300.

George W. Butler to Henry Louis Naef, lot 71 in Louisa Miller's addition to Canton, \$160.

Meyrich E. Evans et ux. to Emilie B. Winner, lot 7665, Canton, \$1.

Martin Dillan and Emma Dillan, east half of northeast quarter of section 13, Tuscarawas township, \$1.

William F. Cook and Ida Schubach, Cook to Urias Fink, lot 12420 in Oak Place addition to Canton, \$1.

Leonard W. Ertle and Emma M. Ertle to William F. Cook, part of northeast quarter of section 34, Plain township, \$1400.

Conrad Kesper to Victor Brendler, part of southwest quarter of section 32, Nimishillen township, \$3150.

REAL ESTATE MORTGAGES.

Emilie B. Winner and Jacob H. Winner to George W. Irwin, lot 7665, Canton, \$6000.

Meyrich E. Evans to the People's Building & Loan company, part lot 162, Canton, \$2000.

Dawn G. McCaskey and John B. McCaskey to the Alliance Bank company, part of north half of south quarter section 13, Lexington township, \$750.

ASSIGNMENTS.

Deputy Clerk of Courts, Abraham W. Agler announced yesterday afternoon the following assignment of cases for trial next week in common pleas court:

Judge Harter—Monday: Motions; Niagara Fire Ins. Co. vs. Hoover et al.; Scott vs. Massillon; Henderson vs. Howells-Davis-Brant Co.; Andrews vs. Oberlin; Dannemiller vs. Lauffer et al.; Book vs. City of Alliance.

Tuesday—Koons vs. Stark E. Rd. Co.; Canton Hollow Block Co. vs. Turnbul Bros.; Hepner vs. Hepner's Ex'r; Beerbeck vs. Hawk; Johnston vs. Camp et al.

Wednesday—Myers vs. Massillon; Grant vs. Brown; Humphreys Mfg. Co. vs. Resler; Snyder's Adm'r. vs. Meckel et al.; Miller-Tyson Co. vs. Miller Pasteurizing Co.; Hill vs. N. O. T. & L. Co.

Thursday—Reemnyder vs. McAllister; Sickler vs. N. O. T. & L. Co.; Neyens vs. Staver et al.; Buckholder's Guard vs. Reeves Bros.; Reifsnnyder vs. H.-K. Lumber Co.; Rowland vs. Cook et al.

Friday—Romig vs. Burd et al.; Seifert vs. Bowman.

Judge Ambler—Monday: Motions; Astray vs. Schlagle et al.; McAllister vs. Hagan et al.; East End Sanitarium vs. Trump; Correll vs. Hirschberger.

Tuesday—Weiland vs. Mass Iron and Steel Co.; Sluss vs. Ware et al.; Thompson vs. Reeves Bros. Co.; Woods vs. Bowman.

Wednesday—Pike vs. Am. Roll and Machine Co.; Hills & Son vs. Davis et al.; Shaffer vs. Hazen et al.; Bockius vs. N. O. T. & L. Co.

Thursday—Volkmar vs. Smith et al.; Mane vs. Ramsey; McKeeffrey vs. Fulton Pit Car Co.; Rice vs. Farber et al.

Friday—Rosenberger vs. Stark Electric Railway; Howells-Davis-Brant Co. vs. Rex-Hoberder Co.; Plasket's Adm'r. vs. Penna. Co.; Signer vs. Little, Const.

Probate court, Hon. C. C. Bow—There will be a call of the criminal docket of the probate court, Tuesday, November 17, at 9 a. m., at which time an assignment will be made of all causes for trial.

CAN SELL CHURCH.

The Baptist church of Alliance on Thursday were granted permission by the common pleas court to sell their property, known as lot No. 104 in the Teeters addition to Alliance, for the sum of \$12,000, the proceeds thus received to be used in building a new church. This property is located at the corner of Freedom and Market and is a valuable property for business purposes. The new church will be built during the coming spring and will be located at the corner of South Freedom and Oxford street. It will be of brick and stone and will cost about \$20,000. The auditorium will have a seating capacity for above five hundred, and the Sunday school room seating capacity for three hundred. The basement will be fitted up for club rooms and for conveniences in the work of the church. It is expected to begin work on the structure in March.

EXAMINING TREASURY.

By an order of the probate court, the county treasurer's office at the county court house was closed yesterday afternoon at 3 o'clock so that the semi-annual examination of all moneys and books of the treasurer could be conducted by the two examiners without any interference from the public. Probate Judge C. C. Bow yesterday morning appointed C. M. Russell, of Massillon, and E. S. DeFord, of Minerva, as examiners and they began their work shortly after dinner.

"The treasurer's office will again be opened this morning," said Judge Bow last evening, "it being closed several hours yesterday afternoon so that the examiners could make an exact count of all moneys." The examiners worked several hours last evening in order to get far enough along in their work so that the office could be reopened this morning. Today they will commence their task of going over the books which may probably consume

the greater part of several days. This examination is nothing out of the ordinary, the probate court being compelled by law to make semi-annual examinations of the treasurer's office.

WANTS JUDGMENT.

William F. Cook has brought suit in common pleas court against Katherine Schlabach in which the plaintiff asks judgment in the sum of \$275 on a promissory note which is due with interest from Nov. 1, 1905, and the costs of the suit.

DAMAGES ASKED.

Michael W. Oberlin, county auditor, has commenced proceedings in common pleas court for \$10,000 damages against the News-Democrat Publishing company for alleged injury to his character and reputation by articles which were published in the "News" November 10, 11 and 12. The plaintiff in his petition avers that he was wrongly implicated with the irregularities found in the treasurer's office and that the alleged false and malicious articles have caused his good name and reputation to be damaged in the above mentioned sum.

NEWCASES.

19371—Benjamin P. Baughman and Samuel D. Baughman vs. the Massillon Elm Run Coal company. Webber and Turner, attorneys.

19372—Michael W. Oberlin vs. the News-Democrat Publishing company. Webber and Turner, attorneys.

19374—William F. Cook vs. Katherine Schlabach. Welty and Albaugh, attorneys.

ANSWERS.

18861—Edward F. Hasler vs. Louis Santis et al. S. H. Maneval, Rice and Souers, attorneys.

19234—James A. Rice vs. Martin Antonewsky et al. J. H. Whiting, attorney.

Henrietta Prutzman vs. John Hadley et al. Smith, Taft and Arter, attorneys.

PROBATE COURT CALENDAR.

In estate of Walter C. Betts, Lexington township, E. E. Leimley appointed administrator.

REAL ESTATE TRANSFERS.

Harmon Shriver heirs to Fred Wesle, part of northwest quarter of fraction section, Perry township, \$175.

John Igelstroem and Marie Maund Igelstroem to Rachel Fox, lot 2, Park View addition to Massillon, \$1700.

Simon Lamb and wife to Joseph Zetzer and wife, part of section 6, Perry township, \$1800.

D. F. Hahn and Rose R. Hahn, lot 1307, Alliance, \$1.

Walter W. Webb and Catherine R. Webb to the Albright-Heacock 'tenney company, lot 2417, Alliance, \$1150.

Rachel Fox to John Igelstroem, lot 498, Massillon, \$15,000.

David A. Cockran et al. to William S. Zengler, part lot 2446, Canton, \$1.

Clara C. Cole to Leadore Ansley, part of northeast quarter of section 34, Plain township, \$1750.

REAL ESTATE MORTGAGES.

Sylvester E. Cain to the Massillon Loan and Building company, part lots 2188 and 2697, Massillon, \$1.

Joseph Zetzer and Edith Zetzer to the Massillon Loan and Building company, part of section 6, Perry township, \$350.

Frederick Wesle and Philip Bender to the Massillon Loan and Building company, part of southeast quarter of fractional section 6, Perry township, \$900.

John Igelstroem to the People's Building and Loan company, lot 498, Massillon, \$11,000.

Michael A. Pfeiffer to the Massillon Loan and Building company, part lot 277, Massillon, \$350.

Joseph Zetzer and wife to Simon Lamb, part of section 6, Perry township, \$428.

John L. Eckroate to Mary G. Friedman, part of southeast quarter of section 31, Plain township, \$600.

HOSTETTER DISTRICT.

Hostetter District, Nov. 12.—Mr. Koffel and family, of Canton, and Curtis Haines and family, of Myers, visited the latter's daughter, Mrs. Marion Freed, Sunday.

George Hollander spent Sunday at Charley Haynam's.

Chase Hoopse and wife were calling on friends here Monday.

William Orwick is at home with his parents.

Mr. Barber lost a horse from lock-jaw this week.

Miss Mary Sutton and Miss Hawken were calling at Myers' on the Valley Monday evening.

James Hawkins and wife, of East Rochester, visited the latter's brother, Charles Betz, Sunday.

Struan Fults and family, of Quaker Ridge, visited Sunday with Mrs. Fults' sister, Mrs. William Heston.

Edward Haines and bride are living at the Haines homestead.

Clifford Carson and Gladys Morrison attended a party at Mr. Daniels' in Minerva Monday evening.

Guy Walker was a Minerva caller Saturday.

Miss Mary and Jennie Sutton are visiting relatives in Burgholtz this week.

Mrs. Mary Baughman and son Hosea, of Myers, visited with her daughter, Mrs. Daniel Haynam, Sunday.

Mrs. Thomas Newcomer is still suffering from dropsy and heart trouble.

MILLERSBURG.

Millersburg, Nov. 12.—The officials of Holmes and Coshocton counties have made another effort to settle the differences on the costs in the Dickerson murder case tried here last winter on a change of venue from Coshocton county. It seems that Prosecutor McDowell, of Coshocton county, has gotten it into his head that \$1,000 or more of the costs should be paid by Holmes county and will not recede until he has an opinion from the law department of the state. The taxpayers of Holmes county are up in arms against the payment of any of the costs.

End of Present Dynasty.

Los Angeles, Nov. 13.—Homer Lea, general imperial of Chinese revolutionary army, says that the death of the emperor means a coalition of all revolutionary forces and the end of the present dynasty.

CARROLLTON.

Carrollton, Nov. 13.—Superintendent of Telegraph Baughman, of Canton, was at the local Wheeling and Lake Erie office on Monday.

Rev. and Mrs. J. G. Madge will move to Orrville in the near future, where they will make their home with a relative.

Misses Kate Ebdon, Hazel Wolf and Bessie Chaddock spent Sunday at Sherodsville.

Mrs. Dollie Herm has commenced suit in the Carroll county common pleas court for divorce from her husband, F. Garrick Herm. She alleges extreme cruelty, gross neglect of duty and willful absence.

Thomas Swinehart, of Canton, has moved to Carrollton and occupies the Dr. J. R. Williams property near the Wheeling and Lake Erie depot, where he will conduct a boarding house and restaurant.

Charles Smith, of Salem, was in Carrollton several days this week on business.

E. K. Kennedy returned to Great Falls, Mont., Monday, after a three weeks' visit here with his family. Mr. Kennedy has a lucrative position with the Great Northern railroad at that place.

Mr. and Mrs. George Spanagel and daughter, Marion Margaret, of Canton, were guests of her parents, Mr. and Mrs. J. C. Ferrell, over Sunday.

Mrs. Margaret Cronewett and Susie Harsh will spend the coming winter with the former's son and daughter-in-law, Mr. and Mrs. A. E. Cronewett, in California.

P. O. McCulley has purchased the H. F. Mittel property on Oak Hill from the Cummings Trust Company.

Mrs. Elmer Slates was fined fifteen dollars and costs by Probate Judge McCoy on Monday for severely whipping Mrs. Louemama Campbell with a buggy whip. Mr. Slates was given a fine of five dollars and costs at the same time for urging his wife to do a good job. Mr. and Mrs. Slates are tenants of the Campbell farm and the whipping occurred there some time ago when Mrs. Campbell went to the farm. The parties have not been getting along well for some time.

Ed C. Ross, of Lamarine, was in town a short time on Tuesday.

Miss Mary Mansfield, of Cadiz, was a guest of her uncle, W. L. Handley, several days the first of the week.

P. H. Kemmer went to Akron on Sunday and accompanied Mrs. Kemmer home, after she had spent two weeks there with her uncle and aunt, Mr. and Mrs. George D. Crumrine.

Miss Anna Johnston, who is teaching in the South Market street school at Canton, was at her home near town from Friday until Sunday morning.

Tom Sell has gone to Oklahoma.

Miss Mae Stewart has resigned her position in the New York Cash Store since her parents moved to the county.

Miss Ollie Hardesty will leave on Sunday for Ashland, where she has accepted a position with the Faultless Rubber Company.

Mrs. John Haugh and daughter, Miss Ella, of near Dell Roy, were Carrollton callers on Tuesday.

F. E. Myers, of Canton, was in town several days this week. Mr. Myers was doing some engineering work for the town council. The survey was made for the surface water sewer from West Main street along the Wheeling and Lake Erie railroad track south to Liberty street. Work on this will be commenced at once. Some other work was also done by Mr. Myers on the alleys of the village, some of which need to be graded and others are encroached upon by buildings.

Messrs. Downs & Campbell, of Canton, the firm who did the paving of West Main street, attended the council meeting on Tuesday night. They were paid in full for their work and in turn gave bond in the sum of \$1,000 guaranteeing their work for one year.

Mrs. Wetzel, widow of the late Fred Wetzel, died at the home of her son, Fred Wetzel, near New Harrisburg, on Friday morning, and was buried Sunday at Macedonia U. B. church in Brown township, of which she was a member for a number of years. Mrs. Wetzel was in her usual health when she retired Thursday night, but was found unconscious early Friday morning and died in a few hours. Mrs. Wetzel was about 70 years of age, and is survived by her son, Fred, with whom she made her home, and a daughter, Mrs. Charles Noel.

Mr. and Mrs. D. D. McClintons went to Greenville, Pa., on Wednesday to attend the funeral of Mr. McClintons' sister.

Mr. and Mrs. Harry Harsh, of Alliance, are visiting his father-in-law, Peter Hagerman. They will also visit with Mr. Harsh's father and brothers in Harrison township, and Mr. Harsh will do some hunting during his visit.

Sheriff-elect William Arbuthnot and wife, of Leesville, accompanied by a lady friend were Carrollton visitors on Thursday.

Work was commenced Wednesday on the Honey Run sewer by Contractor T. M. Hemming.

HARTVILLE.

Hartville, Nov. 12.—C. F. Dulabahn husked 824 bushels of nice corn from six acres.